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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------|
| 09/522,743 | 03/10/2000 | Alan D. Eyre | NTL-3.2118/3229(11513SC) | 4725 |
| 35437 | 7590 | 12/28/2004 | EXAMINER | |
| MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO 666 THIRD AVENUE NEW YORK, NY 10017 | | | WEAVER, SCOTT LOUIS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |
| DATE MAILED: 12/28/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 09/522,743 | Applicant(s) EYRE ET AL. | |
| | Examiner Scott L. Weaver | Art Unit 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 98-189 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 100-111, 126-130, 132, 139, 140, 145, 151, 154, 156, 176, 178, 182, 186-187 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 98,99,112-125,131,133-138,141-144,146-150,152,153,155,157-175,177,179-181,183-185,188 and 189.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 8/27/2004 with respect to new claims 98-189 have been fully considered but they are not persuasive.

With respect to the remarks directed toward the previously cited references as applied to claims 1-97, the remarks do not provide the examiner with a reason for allowing the claims as now presented, further explanation of the relevance of the particular reference is provided below in the rejection of the particular claim to which the remarks may apply.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 152, 155, 157-162, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 152, 155, 157, 158, 159, 160, "said voice message" lacks antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 98-99, 112-125, 131, 133-138, 141-144, 146-150, 153, 163-175, 177, 179-181, 183-185, and 188-189 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ensor et al. (#5,623,537)

The claims read on Ensor as follows: Ensor teaches with respect to

Claim 98. (new) A method of broadcasting incoming call information from a local customer premises equipment (CPE) to at least one remote CPE,

Via reference to (Abstract, Figure 1, col.2,ln.57-58 for example) Ensor teaches controller unit connected to premises wiring along with adjunct units also connected to premises wiring, the adjunct units can function as a speakerphone (col.3,ln.65-67), the controller is thus considered a local CPE in as far as that phrase is limited by the claim language presented, as are adjunct units considered remote CPE as they are in the same premises but as per the remarks geographically in different locations, thus remote but in the same premises;

said method comprising :

receiving incoming call information at said local CPE;

Ensor (via col.4,ln.10-12), receives at least incoming Caller ID information;

And broadcasting, using said local CPE, a derived call information, which is derived from said received incoming call information, over a communications network to said at least one remote CPE.

Ensor (via col.4,ln.32-49) teaches transmitting (which is considered broadcasting as related to the art in which the term 'broadcasting' is applied and in conjunction with any limitations applied to such term) caller ID information to the adjunct(s), or alternatively to associate a name or other identifying information with the incoming caller ID information, therefore the name is considered derived from the caller ID data in as far as the term 'derived' is defined in the claims, the derived information is broadcast over the premises wiring (a

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communication network) to an adjunct or adjuncts, the speakerphone in an adjunct or adjuncts may generate a broadcast page from the controller which can be the information derived from the caller ID including called name or caller name. (Also see (col.9,ln.26-47).

Claim 99. (new) The method according to Claim 98 wherein said derived call information includes said incoming call information.

Ensor teaches (col.4, ln.32-34) broadcast of the caller ID information and the adjunct may provide the received identifier in form of caller identifying information (col.4,ln.44-46).

Claim 112 (new) The method according to Claim 99 wherein said incoming call information includes caller data.

The Incoming Call information in Ensor includes caller data such as caller ID

Claim 113 (new) The method according to Claim 112 wherein said local CPE is at least one of a telephone set, a telephone answering device (TAD), digital telephone answering device IDTADI, and a voice mail device.

The Controller of Ensor records messages and is thus at least a TAD.

Claim 114. (new). The method according to Claim 112 wherein said local CPE receives at least one ring tone from at least one of a central office (CO) switch, a voice over Internet protocol (VOIP) server, and an Internet service provider (ISP) server prior to receiving said incoming caller data.

Ensor (figure 4, 401, 402 occur before 405), the incoming signal at least from a telephone central office

Claim 115. (new). The method according to Claim 112 wherein said incoming caller data is one of calling line identification ICLID data and second call waiting identification data.

The incoming caller ID data in Ensor is at least incoming Calling line identification data

Claim 116. (new). The method according to Claim 112 wherein said local CPE receives said incoming caller data from at least one of a central office (CO) switch, a voice over Internet protocol (VOIP) server, and an Internet service provider (ISP) server.

Ensor (figure 1) provides the incoming data, is from a CO 101 referred to in (col.2,ln.59).

Claim 117. (new). The method according to Claim 112 wherein said incoming caller data is received as at least one of a frequency shift keying (FSK) signal, a Multipurpose Internet

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Mail Extension (MIME) format message, a Hypertext Markup Language (HTML) format message, a Java format message, a Javascript message and/or an Active X format message. Caller ID information sent from telephone CO is sent via FSK signaling as per the Caller ID data in Ensor.

Claim 118. (new) The method according to Claim 112 further comprising determining, at said remote CPE, a corresponding voice message as a function of at least a portion of said caller data.

Ensor teaches that a voice synthesizer may be used to generate audio (col.10,ln.35-50), the remote CPE being activated in accordance with the caller ID data received at the local CPE.

Claim 119. (new). The method according to Claim 118 further comprising said at least one remote CPE delivering said voice message to a speaker.

Ensor teaches the remote CPE alerting as above via its speakerphone

Claim 120. (new). The method according to Claim 118 further comprising said at least one remote CPE storing said voice message.

Ensor teaches the remote CPE being configured to alert with voice message thus required to store the voice message which will be used for the alert when activated

Claim 121. (new). The method according to Claim 118 wherein said remote CPE is at least one of a telephone set, a telephone answering device (TAD), digital telephone answering device (DTAD), and a voice mail device.

Ensor teaches the remote CPE is at least a speakerphone which is a telephone.

Claim 122. (new). The method according to Claim 118 wherein said local CPE receives at least one ring tone from at least one of a central office (CO) switch, a voice over internet protocol (VOIP) server, and an Internet service provider (ISP) server prior to receiving said incoming caller data.

Ensor (figure 4, 401, 402 occur before 405), the incoming signal at least from a telephone central office

Claim 123. (new). The method according to Claim 118 wherein said incoming caller data is one of calling line identification ICLID data and second call waiting identification data.

The incoming caller ID data in Ensor is at least incoming Calling line identification data

Claim 124. (new). The method according to Claim 118 wherein said local CPE receives said

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incoming caller data from at least one of a central office (CO) switch, a voice over Internet protocol (VOIP) server, and an Internet service provider (ISP) server.

Ensor (figure 1) provides the incoming data, is from a CO 101 referred to in (col.2,ln.59).

Claim 125. (new). The method according to Claim 118 wherein said incoming caller data is received as at least one of a frequency shift keying (FSK) signal, a Multipurpose Internet Mail Extension (MIME) format message, a Hypertext Markup Language (HTMQ format message, a Java format message, a Javascript message and/or an Active X format message. Caller ID information sent from telephone CO is sent via FSK signaling as per the Caller ID data in Ensor.

Claim 131. (new) The method according to Claim 99 wherein said derived call information comprises a corresponding voice message determined, at said local CPE, as a function of at least a portion of said incoming caller information.

Ensor (via col.4,ln.32-49) teaches transmitting (which is considered broadcasting as related to the art in which the term 'broadcasting' is applied and in conjunction with any limitations applied to such term) caller ID information to the adjunct(s), or alternatively to associate a name or other identifying information with the incoming caller ID information, therefore the name is considered derived from the caller ID data in as far as the term 'derived' is defined in the claims, the derived information is broadcast over the premises wiring (a communication network) to an adjunct or adjuncts , the speakerphone in an adjunct or adjuncts may generate a broadcast page from the controller which can be the information derived from the caller ID including called name or caller name. (Also see (col.9,ln.26-47).

Claim 133. (new). The method according to Claim 131 wherein said determining includes matching data derived from said FSK signals to associated voice tags.

In Ensor the incoming caller ID data derived from FSK signals from the CO is matched in memory to find an associated identifier such as a name.

Claim 134. (new). The method according to claim 131 wherein said local CPE is at least one of a telephone set, a telephone answering device (TAD), a digital telephone answering device (DTAD), and a voice mail device.

Ensor teaches the local CPE is at least a TAD.

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Claim 135. (new). The method according to Claim 131 wherein said local CPE receives at least one ring tone from at least one of a central office (CO) switch, a voice over Internet protocol (VOIP) server, and an Internet service provider (ISP) server prior to receiving said incoming caller data.

Ensor (figure 4, 401, 402 occur before 405), the incoming signal at least from a telephone central office

Claim 136. (new). The method according to Claim 131 wherein said incoming caller information is one of calling line identification (CLD) data and second call waiting identification (SCWD) data.

The incoming caller ID data in Ensor is at least incoming Calling line identification data

Claim 137. (new). The method according to Claim 131 wherein said local CPE receives said incoming caller information from at least one of a central office (CO) switch, a voice over Internet protocol (VOIP) server, and an Internet service provider (ISP) server.

Ensor (figure 1) provides the incoming data, is from a CO 101 referred to in (col.2,ln.59).

Claim 138. (new). The method according to Claim 131 wherein said incoming caller information is received as at least one of a frequency shift keying (FSK) signal, a Multipurpose Internet Mail Extension (MIME) format message, a Hypertext Markup Language (HTML) format message, a Java format message, a Javascript message and/or an Active X format message.

Caller ID information sent from telephone CO is sent via FSK signaling as per the Caller ID data in Ensor.

Claim 141. (new). The method according to Claim 133 further comprising said at least one remote CPE delivering said voice tags to a speaker.

Ensor teaches the remote CPE delivering the name from the local CPE to speaker

Claim 142. (new). The method according to Claim 133 further comprising said at least one remote CPE storing said voice tags.

Ensor teaches the remote CPE being configured to alert with voice message thus required to store the voice message which will be used for the alert when activated

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Claim 143. (new). The method according to Claim 131 wherein said remote CPE is at least one of a telephone set, a telephone answering device (TAD), digital telephone answering device (DTAD), and a voice mail device.

Ensor teaches the remote CPE is at least a speakerphone which is a telephone.

Claim 144. (new). The method according to Claim 131 wherein said local CPE receives at least one ring tone from at least one of a central office (CO) switch, a voice over Internet protocol server, and an Internet service provider (ISP) server prior to receiving said incoming caller information.

Ensor (figure 4, 401, 402 occur before 405), the incoming signal at least from a telephone central office

**Claim 146. (new). The method according to Claim 98 further comprising:
receiving an indication of an incoming CPE alerting signal (CAS) tone;
detecting a frequency shift keying (FSK) signal as a result of receiving said indication.**

Ensor (Figure 4, 401, 402, 405)

Claim 147. (new) The method according to Claim 146 wherein said indication is said CAS tone.

The ring tone is a CAS as defined by the claim.

Claims 149-150, correspond to an apparatus for performing the method of claims 98-99, Claim 153 corresponds to method claim 113, Claims 163-174 corresponds to claim 112-123 respectively, claim 175 corresponds to 125, claim 177 to 127, claims 179-181 correspond to claims 129-131, claims 183-184 correspond to claims 133-134 , claim 185 corresponds to claim 136, claims 188-189 correspond to claims 129-130 and the same rejection as applied to the method claims above applies to the apparatus claims as noted.

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Conclusion

6. Claims 100-111, 126-130, 132, 139-140, 145, 151, 154, 156, 176, 178, 182, and 186-187 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicable prior art of record at this time does not teach the combination including the incoming call information processed according to the limitations presented including a voice message as pertains to claims 100, and 151, nor parsing number field derived from FSK signal and selecting sounds corresponding to the parsed number filed as pertains to claims 126, 132, 176, and 182, nor composition of network as claimed and pertaining to claims 128, 145, 156, and 178, with claims dependent therefrom adequately further limiting the subject matter of the claim from which they depend respectively. The patentability of claims 152, 155, and 157-162 can not be determined at this time due to the confusion noted above.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is **not** mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is 703-308-6974. The examiner can normally be reached on Tuesday to Friday 8 AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SCOTT L. WEAVER
PRIMARY EXAMINER
AA Unit 2645